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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,011

07/23/2003

Abraham B. de Waal

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EXAMINER

TRAN, TUYETLENT

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,011

Applicant(s)

DE WAAL, ABRAHAM B.

Examiner

TUYETLIEN T. TRAN

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-8, 10, 14, 15, 17, 22-24, 26, 27, 30, 31 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-8, 10, 14, 15, 17, 22-24, 26, 27, 30, 31, 39-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 7/03/08. **This action is made non-final.**
2. Claims 1, 6-8, 10, 14, 15, 17, 22-24, 26, 27, 30, 31, 39-46 are pending in the case. Claims 1, 10, 17, 26 and 27 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/03/08 has been entered.

Claim Objections

4. Claims 1, 10, 17, 26 are objected to because of the following informalities: There is a typographical error in the newly amended limitation, "less that the total area of the display". Appropriate correction is required.
5. Claim 27 is objected to because of the following informalities: the limitation "change the size the window" recited in line 6 of the claim should be changed to "change the size of the window". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 27, 30, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Bauer (Pub No. US 2003/0197739 A1; hereinafter Bauer).**

As to claims 27, Bauer teaches:

A computer-based system-comprising (e.g., see Figs. 1, 3, 4 and [0020], [0037]), comprising:
a user input element for enabling a user to define window areas on a display, the user input elements configured to automatically place a first window within the defined window areas on the display in response to a first user input via a first function key on a computer keyboard, wherein a first application executes within the first window creating boundaries on the at least one computer monitor display, the boundaries forming a window area on the computer monitor display (e.g., see [0029]; note in response to the activation of the F1 key, a word processing program is invoked and cover 50% of the display area; further note that list of applications are defined to be invoked in response to a function key can be as few as one application, see [0031]);

the user input element further configured to automatically change the size the window in the defined window areas on the display, in response to a second user input via a second function key on computer keyboard, such that the first window has a first predetermined aspect ratio that decreases at least one dimension of the first window, but still allows a user to view at least a portion of the first application executing within the first window, wherein, prior to changing the size of the first window, the first window occupies a first portion of the window area, and, in response to the second user input via the second function key (e.g., see [0029]; note in response to the activation of the F2 key, the word processing program window is changed to cover 40% of the display area; further note that the display windows can be configured to distributed vertically, horizontally or any other arrangement, see [0025]), the first window is sized to occupy a second portion of the window area, at least one of the first and second portions being less than the full size of the window area (e.g., in response to the activation of the F2 key, the word processing program window occupies 40% of the display area, see [0029]; further note the first and second portions being less than the full size of the window area as shown in Figs. 3, 4).

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a processing element for causing at least one window to be displayed on the display, wherein first window shape and first window placement are dependent on the user-defined window area in which the first window is positioned (e.g., see Figs. 3, 4 and [0025], [0029]).

As to claim 30, Bauer further teaches adjusting a size of the window area (e.g., see Figs. 3, 4 and [0028], [0029]).

As to claim 31, Bauer teaches adjusting a shape of a window area (e.g., see Figs. 3, 4 and [0028], [0029]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 1, 6-8, 10, 14, 15, 17, 22-24, 26, 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of Brooks (Patent No. 6008809; hereinafter Brooks).**

As to claims 1, Bauer teaches:

A method of organizing at least one window on at least one computer monitor display (e.g., see Figs. 3, 4 and [0020]), the method comprising:

creating boundaries on the at least one computer monitor display, the boundaries forming a window area on the computer monitor display (e.g., see Figs. 3, 4 and [0023]);

saving the boundaries of the window area (e.g., see Figs. 3, 4 and [0025]);

associating a first window with the window area, wherein a first application executes within the first window (e.g., see [0025]);

automatically placing the first window within the window area in response to a first user input via a first function key (e.g., see [0029]; note in response to the activation of the F1 key, a word processing program is invoked and cover 50% of the display area; further note that list of applications are defined to be invoked in response to a function key can be as few as one application, see [0031]); and

automatically changing the size of the first window within the window area in response to a second user input via a second function key, such that the first window has a first predetermined aspect ratio that decreases at least one dimension of the first window, but still allows a user to view at least a portion of the first application executing within the first window (e.g., see [0029]; note in response to the activation of the F2 key, the word processing program window is changed to cover 40% of the display area; further note that the display windows can be configured to distributed vertically, horizontally or any other arrangement, see [0025]), wherein:

prior to changing the size of the first window, the first window occupies a first portion of the window area (e.g., prior to activation the F2 key, the word processing program window occupies 50% of the display area, see [0029]), and

in response to the second user input via the second function key, the first window is sized to occupy a second portion of the window area, at least one of the first and second portions being less than the full size of the window area (e.g., in response to the activation of the F2 key, the word processing program window occupies 40% of the display area, see [0029]; further note the first and second portions being less than the full size of the window area as shown in Figs. 3, 4).

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Bauer does not expressly teach the window area is less than the total area of the display. In the same field of endeavor of displaying multiple windows in a window area, Brooks teaches a window area (e.g., dynamic window 212 in Fig. 6), the window area enables the user to relate several application windows shown on a display without having to repeatedly arrange and size each individual window (e.g., see Figs. 6-10, col. 2 lines 10-20). Specifically, Brooks teaches the window area being less than the total area of the display (e.g., see Figs. 6-8). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the window area as taught in Bauer to include the feature of dynamic window that having the size less than the total area of the display as taught by Brooks to achieve the claimed invention. One would have been motivated to make such a combination is to enables the user to relate several application windows shown on a display without having to repeatedly arrange and size each individual window (e.g., see Figs. 6-10, col. 2 lines 10-20).

In regard to claims 10 and 26, claims 10 and 26 reflect the system-comprising a processor, a computer monitor, a user interface coupled to the processor for performing the method steps as claimed in claim 1, and are rejected along the same rationale (e.g., see Bauer Fig. 1, [0015]-[0019]).

In regard to claim 17, claim 17 reflects the computer readable medium-comprising software instruction for performing the method steps as claimed in claim 1, and is rejected along the same rationale (e.g., see Bauer Fig. 1, [0037]).

As to claims 6 and 22, Bauer further teaches moving at least one of the boundaries of the window area (e.g., see Figs. 3, 4 and [0025], [0029]).

As to claims 7, 14, 23, Bauer further teaches adjusting a size of the window area (e.g., see Figs. 3, 4 and [0028], [0029]).

As to claims 8, 15, 24, Bauer teaches adjusting a shape of a window area (e.g., see Figs. 3, 4 and [0028], [0029]).

As to claims 39, 41, 43, and 45, Bauer teaches that the list of applications are defined to be invoked in response to a function key can be as few as one application (e.g., see [0031]). The display windows can be configured to distributed vertically, horizontally or any other arrangement in response to a function key (e.g., see [0025]). There are other configuration including but not limited to the two configuration for function keys F1 and F2 (e.g., see [0025], [0029]). Bauer does not teach a third function key to invoke the second window and a fourth function key to change the size of the second window. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to try these limitations in view of express suggestion in Bauer for the predictable results of enabling multiple windows are simultaneously displayed (e.g., see [0020]).

As to claims 40, 42, 44, and 46, Bauer further teaches the at least a portion of the first application executing within the first window and the at least a portion of the second application executing within the second window are simultaneously visible to the user (e.g., see Figs. 3, 4 and [0029]).

Response to Arguments

10. Applicant's remarks filed on 07/03/08 have been considered but are moot in view of the new ground(s) of rejection.

♦ Applicants argue that there is no teaching of creating boundaries of a window area and saving them separate and apart from the application window itself (e.g., see Applicants' remark page 12, lines 4-6), the examiner notes that the features upon which applicant relies (i.e., saving boundaries of a window areas separate and apart from the application window itself) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilin Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/
Examiner, Art Unit 2179

/Weilin Lo/
Supervisory Patent Examiner, Art Unit 2179